

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   UNITED STATES OF AMERICA,

Case No.: 2:15-cr-0125-APG-GWF

4           Plaintiff

**Order Denying Motion to Continue Trial**

5   v.

[ECF No. 197]

6   RICHARD SATERSTAD,

7           Defendant

8           Defendant Richard Saterstad has again moved for a continuance of the trial. ECF No.  
9 198. The Government opposes. ECF No. 199. I deny the motion.

10          Mr. Saterstad has sought and obtained numerous continuances of the trial. The  
11 Government has not opposed most of those requests, in part because Mr. Saterstad is  
12 representing himself and needed extra time to prepare for trial. I have repeatedly warned Mr.  
13 Saterstad that he needs to diligently prepare for trial. Four months ago I held a status conference  
14 specifically so he and his computer expert could confer and confirm what additional information  
15 was needed, if any. *See* ECF Nos. 175, 176. The Government has at least twice in the past 18  
16 months gone to great lengths to allow Mr. Saterstad to review § 3509(m) material, and other  
17 information, at the courthouse. *See* ECF No. 199 at 2.

18          Mr. Saterstad claims he needs more time (without saying how much) to review allegedly  
19 newly-produced documents and to secure an expert. ECF No. 199 at 1. The Government  
20 responds that Mr. Saterstad and his court-appointed computer expert (Larry Smith) have had the  
21 relevant information for a significant period of time, so additional time is not needed. Mr. Smith  
22 has twice told me—at both the November 2018 status conference and the recent calendar call—  
23 that he has received and reviewed all the relevant reports and information. Mr. Smith has not

1 been designated as a trial expert, and Mr. Saterstad has not explained what new expert is needed  
2 and why that expert was not previously requested or identified during the last four years. Mr.  
3 Saterstad also alleges a *Brady* violation without offering any factual support. ECF No. 198 at 5.

4 This case has been pending for four years. If Mr. Saterstad is not ready for trial as  
5 currently scheduled, it is due to his own lack of diligence. The defendant, the Government, and  
6 the public all have the right to a speedy trial under 18 U.S.C. § 3161. If trial is delayed further,  
7 the Government will lose its case agent (ECF No. 199 at 3), witnesses' and the court's schedules  
8 will have to again be rearranged (making it again difficult to schedule multiple witnesses to  
9 testify), and the public will lose confidence in the ability of the justice system to timely address  
10 serious criminal case. There is no prejudice to Mr. Saterstad by going forward with the trial as  
11 currently set but significant prejudice to the Government and the public if the trial is again  
12 continued.

13 IT IS ORDERED that Mr. Saterstad's motion to continue trial (**ECF No. 198**) is  
14 **DENIED**. The trial will commence as scheduled on March 18, 2019 at 9:00 a.m. The parties  
15 have stipulated to a non-jury trial.

16 Dated this 11th day of March, 2019.



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18 ANDREW P. GORDON  
19 UNITED STATES DISTRICT JUDGE  
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